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91

Most recent Constitution

IRAQ

CONSTITUTIONS OF THE COUNTRIES OF THE WORLD

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IRAQ

by
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IRAQ
CHRONOLOGY 1973-1989

1973 Full diplomatic relations with the United Kingdom were resumed in April.

An attempted coup and presidential assassination by Colonel Nazem Kazzer, the Director of Public Security, failed on June 30 because unexpected delays in the President's aircraft disrupted the timing of the attack. After killing and wounding two military leaders who were taken hostage, Colonel Kazzer was arrested and sentenced to death.

Several important amendments to the Provisional Constitution of 1970 were approved on July 13, by the Revolutionary Command Council (RCC). The amendments authorized the President, either directly or through a Council of Minister convened and presided over by him, (1) to prepare bills and refer them to the Legislature, (2) issue rules and regulations, and (3) dismiss or appoint civil and military officials. These amendments also provided that the President either directly or through the Council would be able to prepare the general plan and budget of the state, declare a complete or partial emergency and supervise public and quasi-public departments.

A law establishing a National Council of 100 members selected by the Revolutionary Command Council was enacted on July 17.

For the first time since 1934, the Communist Party was officially recognized under a national action pact signed on July 17 by President Bakr and Mr. Aziz Mohammed, the first secretary of the Communist Party.

Proposals for Kurdish autonomy with boundaries based on the 1957 census were put forward by the Iraqi Government on December 12.

1974 The general secretary of the Democratic Party of Kurdistan (DPK) and the Vice-President of the Revolutionary Command Council began talks on January 16 concerning DPK views on the government of the Kurdish autonomous region. Objections were raised on the use of the 1957 census as a deciding factor in setting its boundary. The DPK maintained that the number of Kurds was much higher than indicated in the 1957 census. The government, however, found the DPK's demands too close to a "secession," and negotiations broke down by the end of February.

The beginning of 1974 was marked with a series of border clashes with Iran. Tensions were also high between the Democratic Union Kurdistan (DPK) and the Iraqi Government. In March fighting broke out in Kurdistan and by the end of the month had spread to the Erbil, Kirkuk and Sulaymaniyah areas.

After talks on May 21, it was reported the Iran and Iraq had agreed to withdraw simultaneously their troops along their border and resume talks to resolve troublesome issues between them.

The Iraqi Army launched its biggest offensive against the Kurds in August.

A new Cabinet was announced on November 11 following the death of the Iraqi Foreign Minister, Mr Chazel Taka.

1975 Despite secret talks between Iran and Iraq in January, border clashes continued in February.

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An agreement to eliminate conflict between Iran and Iraq was signed in March by the Shah of Iran and the Vice-President of the Iraqi Revolutionary Command Council.

A dispute over the use of the waters of the River Euphrates was a major factor in deteriorating relations with Syria. This was intensified in May when Syria closed its airspace to all Iraqi aircraft and ordered the immediate closure of the Iraqi consulate in Aleppo.

The Foreign Ministers of Iran and Iraq signed a reconciliation treaty on June 13 which expressed the desire of the two countries to establish friendly relations.

Kuwait and Iraq were reported to have reached an agreement in June settling their border dispute.

An agreement on the division of the neutral zone which separates Iraq and Saudi Arabia was reached on July 2.

While the Kurdish rebellion had collapsed by the beginning of the year, it was reported in July that a Kurdish National Union had been established in an effort to gain support for a continued struggle against Iraq.

An announcement was made on November 26 that all Jews who had left Iraq since 1948 would be allowed to return to the country and enjoy all legitimate rights of Iraqi citizens.

1976 The cabinet was reorganized on May 10.

Fighting resumed again in May and June between Iraqi forces and the military wing of the Democratic Party of Kurdistan.

1977 The Ministry of Municipal and Rural Affairs was abolished by a Revolutionary Command Council (RCC) decree published on May 13. The former Ministry's departments, institutions and employees were transferred to the Ministries of Interior, Public Works and Housing and Planning and to the Baghdad Municipality.

Another decree was issued on September 4 which relieved a total of eleven ministers of state. At this time the Iraqi provisional constitution was amended to allow all twelve members of the Regional Command of the Iraqi Baath Party to become members of the Revolutionary Command Council (RCC) thereby increasing the RCC membership from five to twenty-two.

1978 In the beginning of the year, there was a serious deterioration in relation between the ruling Baath Party and the Iraqi Communist Party.

In honor of the anniversary of the revolution in 1958 and the assumption of power by the Baath Party in 1968, amnesty was given on July 17 to about 7,000 political prisoners and common criminals.

Hostilities between Iraq and Syria came to an end in October and a "charter for joint national action" was signed. One of the charter's provisions was the establishment of a full military union between the two countries.

1979 An agreement was signed on April 20 between Turkey and Iraq which provided for the suppression of Kurdish separatism in the border region between the two countries and Iran.

President Ahmed Hassan Bakr announced on July 16 that he was resigning and named Mr. Sadam Hussein as his successor. Mr. Hussein had already been elected on July 12 by the Revolutionary Command Council (RCC) to succeed President Bakr and become the new RCC Chairman. The Baath Party had appointed him secretary-general designate on July 11.

President Hussein reorganized the Cabinet on July 16 and added the new office of First Deputy Prime Minister and five new posts of Deputy Prime Minister.

Iraq began aerial attacks on various Kurdish villages inside Iran in an effort to end co-operation between Iranian and Iraqi Kurds.

Iraq made three demands on Iran in October in order for the two nations to be friends. The first was for the abrogation of the 1975 "reconciliation" treaty and for Iraq to be restored of its prior rights. The second was for Iran's evacuation of Abu Musa and the Tumbs Islands in the Strait of Hormuz. The third demand was for Iran to grant autonomy to the Baluchis, Kurds, and Arabs in Iran.

1980 The Supreme Command of the Iranian armed forces announced in April the formation of a "Revolutionary Islamic Army for the Liberation of Iraq." It was also called for the people of Iraq to rise up against the ruling Baath Party.

The first elections to the National Assembly since the overthrow of the Monarchy in 1958 were held on June. In September elections to the Kurdish Legislative Council took place.

Iraq unilaterally abrogated the 1975 "Reconciliation" Treaty and in September full-scale fighting broke out along the border between Iraq and Iran.

By the end of November the war was at a stalemate. This was due to Iraq's refusal to commit a large number of troops in any one battle, and Iran's policy of resistance without any plans for a counter-offensive.

Libya and Syria were the only two countries specifically giving support to Iran during the war.

1981 The war continued to have an adverse impact on foreign shipping in the Gulf with many ships trapped in Iraqi ports and others facing charges of supplying armaments.

By September, Iraq had lost up to twenty-five miles of the front line it had established by its advance into Iranian territory after the outbreak of the Gulf War.

1982 Iran's military strength increase greatly during the year. Iraq continued to call for a ceasefire but maintained its refusal to accept Iran's demands which included the overthrow of President Saddam Hussein.

International organizations made efforts throughout the year to achieve a settlement of the conflict. They were not, however, successful in initiating negotiations.

The Cabinet was reshuffled in June and the Revolutionary Command Council reduced its membership from seventeen to nine. The membership of the Baath Regional Party was reduced to fifteen.

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1983 It was reported on January 12 by the International Committee of the Red Cross that a total of 33,708 prisoners had been taken by the two sides since the outbreak of the war in September 1980.

Elections were held on August 6 for the Legislative Council of the Kurdish autonomous region.

Iraq's economy continued to deteriorate during the year mainly due to declining oil exports as a result of the war.

In fulfilling its threat to disrupt Iranian economic interests, Iraq began a series of strikes against merchant shipping in the northern Gulf.

1984 An agreement was reached in January between the Iraqi Government and the Patriotic Union of Kurdistan (PUK), one of the two main rival Kurdish autonomous movements in Iraq. The agreement provided for a ceasefire between the PUK and the government, a southward extension of the Kurdish autonomous region and formation of a Kurdish army to protect Kurdistan against foreign enemies. However, throughout the year, relations between the Government and the PUK were filled with tension and suspicion.

Relations were good with the Soviets during 1984. In March, an agreement was reached which provided for the assistance of Soviet experts in selecting a construction site for a nuclear power station.

Iran's continued accusations of Iraq's use of chemical weapons were supported by doctors from West Germany, Britain and Belgium on March 22. The doctors reported that the Iranian soldiers whom they had treated showed symptoms identical to those caused by mustard gas.

The ruling Baath Party received approximately 73% of the seats in the National Assembly elections on October 20. Dr. Sa'adoun Hammadi was elected Speaker on October 31.

Diplomatic relations were re-established between Iraq and the United States in November, after having been severed in June, 1967. The U.S., however, maintained that it would continue its policy of neutrality in the Iran-Iraq conflict.

1985 A United Nations team sent to investigate alleged abuses of prisoners of war reported in February that both Iran and Iraq had violated the Geneva Convention in their treatment of such prisoners.

Iran rejected an offer made by President Sadam Hussein on June 14 to end bombing for two weeks in order to give Iran a chance to respond to calls for a ceasefire, mutual withdrawal of forces, a prisoner exchange, and an agreement to begin peace treaty negotiations.

1986 At an extraordinary session of the regional conference of the Baath Party in July, President Hussein was re-elected to the post of Regional Secretary and membership of the Regional Command was increased from fifteen to seventeen.

Iran and the Patriotic Union of Kurdistan (PUK) concluded an agreement on November 8 in Tehran which affirmed a breakdown of the January, 1984 agreement between the PUK and Iraq. This gave the PUK status to receive substantial military aid. By the end of the year, Iraqi forces were bombing Kurdish settlements in response to PUK operations.

During the year Turkey co-operated with Iraq in military operations against Kurdish insurgents in the border region.

1987 The Revolutionary Command Council issued a decree in late January which provided for various penalties including life imprisonment and forfeiture of property for those convicted of insulting the President, the army, or the state courts.

Iraq continued bombing raids on Iranian oil installations and tankers carrying Iranian oil.

Thirty-seven crewmen of the USS Stark were killed on May 17, after having been fired upon by Iraqi aircraft. Iraq claimed it was a mistake and offered to pay compensation.

Iran continued to refuse Iraq's request for a ceasefire because Iraq would not accept Iran's demands. In early May, the Arab League sent an envoy to the permanent members of the United Nations Security Council to promote a Security Council resolution demanding an end to the war. On July 20, the Security Council unanimously adopted Resolution 598 which demanded an immediate ceasefire. Iraq welcomed the resolution while Iran criticized both the Resolution and the Security Council. It did not, however, explicitly reject the resolution.

Diplomatic relations between Iran and Iraq were formally severed on October 2 at Iran's request. Turkey agreed to represent each country's interest.

1988 A decree was issued on July 13 by the Revolutionary Command Council which renamed the Ministry of Industry and Minerals as the Ministry of Industry and Military Industrialization.

Iran accepted the UN Security Council Resolution 598 in July.

It was reported in August the Iraq had launched a large-scale military operation in northern Iraq using troops and chemical weapons against Kurdish guerrillas seeking autonomy. Iraq claimed it was pursuing an anti-terrorist action and continued to deny its use of chemical weapons.

Turkey announced on September 7 that it would open its borders with Iraq on humanitarian grounds.

Peace talks began on August 25 between delegations led by Tariq Aziz, the Iraqi Foreign Minister, and his Iranian counterpart, Ali Akbar Vellayati.

1989 During a meeting between the Revolutionary Command Council and the Reginal Command on January 16, President Hussein announced that a special committee was being set up to draft a new Constitution which would allow new political parties to be formed.

After several postponements, elections for the National Assembly were finally held on April 1.

Some details on Iraq's permanent Constitution were announced on March 30 by Izzat Ibrahim, Vice-Chairman of the Revolutionary Command Council. The endorsement of this Constitution was scheduled as the main task of the newly elected Assembly.

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The new Constitution-to-be would provide that the Council of Ministers would be responsible to the Assembly. It also would provide that people would be free to form political parties. However, the Iraqi Communist Party would still be banned because it had supported Iran in the Gulf War.

Mr. Ibrahim also stated that the Revolutionary Command Council might be disbanded with its powers being distributed among the National Assembly, the Presidency and the Council of Ministers. The President, who is currently elected by the RCC, would then be elected directly by the people.

IRAQ
CHRONOLOGY 1915-1973

The territory which makes up Iraq was the center of several ancient civilizations. In the seventh century it was conquered by Arabs. In the middle of the thirteenth century the Mongols sacked Baghdad, which had become a great cultural center. Other Mongolian invasions followed.

In 1534 the Ottoman Turks under Suleiman the Magnificent captured Baghdad and from that time on until the end of World War I the present-day Iraq was ruled by Turkey.

Midhat Pasha, the drafter of the first Turkish Constitution, was made governor of Baghdad in 1860 and he endeavored to introduce the Turkish, but French-inspired system, of provincial administration in the three Ottoman provinces of Baghdad, Basra and Mosul. The system remained in effect after his death in 1872 in a somewhat rudimentary form. After the Joung Turk revolution in 1908 efforts were made to establish firmer Turkish control in this area. This, in turn, sparked Arab nationalist activities. British and German interests came into sharp conflict at the beginning of the 20th century over the construction of a German sponsored railroad from Baghdad to Basra. There were conflicts over drilling rights for oil, which also involved Dutch interests.

The British considered the southern part of the area to be of vital strategic importance to them because of their interests in India. Therefore at the very beginning of World War I parts of "Mesopotamia" were occupied by British forces but by the time the Turkish forces capitulated (October 30, 1918) Mosul had not been taken.

1915 to 1916 On July 14 Britain signed an agreement with Hussein, the Sherif of Mecca and leader of the Hashemite family, who agreed to enter the war against Turkey, if Britain would recognize the independence of the Arab countries, south of 37 degrees northern latitude. But in May 1916 Britain and France proceeded to divide the nominally Turkish territories between themselves. On the basis of the secret Sykes-Picot agreement, Mesopotamia was designated as part of the British sphere of influence.

1920 On April 25, at the San Remo Conference of Allied Prime Ministers, it was agreed that Britain should be given a mandate over Mesopotamia. An attempt was made to have it confirmed by the Treaty of Sèvres on August 10. But this treaty did not become effective and therefore Turkey still claimed sovereignty over Iraq. In October the British military administration was formally concluded and an Arab advisory Council instituted, but Sir Percy Cox, as the High Commissioner, remained in control.

1921 Emir Feisal, the son of Hussein, who had been expelled from Syria by the French, was recommended by Winston Churchill and proclaimed King of Iraq on August 23.

1922 On June 18 a Kurdish revolt broke out. It was supported by Moscow.

A treaty of alliance was signed between Britain and Iraq on October 10. It stipulated that the British government was to be consulted in matters of foreign policy and was to have military installations in Iraq.

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1923 Turkey formally relinquished sovereignty over most of Iraq with the signing of the Treaty of Lausanne.

In November a draft Constitution was prepared by British advisers in the Mesopotamian Ministry of Justice.

1924 The draft Constitution was presented to the National Assembly on March 27 and with slight modifications adopted on July 10. Difficulties developed as a result of inaccurate translations and this delayed the promulgation of the first Constitution.

1925 The first Constitution was promulgated on March 21.

On July 28 and 29, some amendments were made in the text of Articles 22, 23, 35, 39, 40, 50, 82 and 83. According to Article 2 of the Iraqi Organic Law, as it was officially known, the government was to be an "hereditary monarchy but also representative in character. As it turned out, it never did become sufficiently representative and the hereditary monarchy was shortlived.

1930 On June 30 the independence of Iraq was recognized by the Anglo-Iraqi Treaty.

1932 On October 3 the British Mandate ended and Iraq was admitted to the League of Nations.

1933 King Feisal died in September and was succeeded by his son Ghazi. He exerted little influence and the power of the military increased greatly.

1936 On October 29 General Bekir Sidqui, with the assistance of a small group of officers, overthrew the pro-British government. Hikmet Suleyman, an admirer of Ataturk, became Prime Minister, but General Bekir Sidqui remained the real power.

1937 After the latter's assassination, internal and external tensions increased.

1939 After Ghazi's death, his infant son, Feisal II, became King on April 4 under the regency of his uncle, Abdul Ilah. The power of the military continued to grow.

In spite of earlier anti-Zionist agitations and pro-German tendencies, Iraq broke diplomatic relations with Germany on September 4.

1941 On April 3 Al Gaylani carried out a coup d'état and made himself Prime Minister. His pro-German attitude caused major difficulties but his obstruction of the British war effort was terminated and he fled to Germany.

1943 On January 16 Iraq declared war on the Axis powers.

On October 27 the Constitution of 1925 was extensively changed. The following articles were amended: 2, 3, 4, 5, 10, 11, 14, 18, 20, 21, 23, 26, 30, 31, 32, 33, 35, 37, 38, 40, 42, 43, 46, 47, 48, 50, 51, 52, 55, 60, 62, 64, 65, 81, 82, 83, 84, 85, 86, 88, 89, 91, 92, 108 and 120. Two and a half important articles were added. Article 120 in the original form gave the King ample powers to deal with disturbances. Another paragraph was added which stated that "Upon occurrence of danger or rebellion or anything which disturbs the peace in any part of Iraq, the King may, with the consent of the Council of Ministers, declare a state of emergency in the whole of Iraq or any part thereof." A new article (123) was added which stated that Parliament was not authorized to pass pardoning legislation to persons who had committed offences which were likely to change the form of government. The last new article (124) authorized the Parliament to call constitutional conventions.

1945 On March 22 the Arab League Pact was signed in Cairo. Iraq was one of the founding members.

1948 Iraqi military forces (about one division) participated in the Palestinian war.

1949 to 1952 Anti-Israeli sentiment increased and Iraqi Jews sought to emigrate to Israel.

1953 On January 17 elections for the Chamber of Deputies were held by direct vote. Candidates ran as independents, political parties having been banned. Out of 135 seats in the Chamber of Deputies, 84 were won by Nuri El-Said's followers, the former Constitutional Union Party. Jamil Madfai became the new Premier and Nuri El-Said the new Minister of Defence.

On May 2, King Feisal II ascended the throne, being 18 years old.

1955 On February 24, the Baghdad Pact was signed by Turkey and Iraq. It was ratified on February 26, 1955. Britain, Pakistan and Iran joined later. U.S. observers attended the first meeting. This mutual defense pact was linked with NATO through Turkey and with SEATO through Pakistan. Later, the U.S. joined the Economic Committee, the Committee to fight Subversion and the Military Committee.

1958 On February 14 the two kings Feisal and Hussein issued a proclamation in Amman, establishing the Arab Federal State.

A Constitution of the Arab Federal State, approved by Jordan on March 27, was approved by Iraq on May 13, but it was of very short duration.

On July 14 Brigadier General Abdul Karim El-Kassim led a coup d'état and overthrew the Monarchy. Kassim's plan for Government—with Colonel Arif—was declared in a set of proclamations, which Arif began to broadcast from the Baghdad Radio Station, the most important of which was Proclamation No. 1 of July 14: "Noble Iraqi people, relying on God and the support of the loyal sons of the people and the national armed forces, we have begun to liberate the beloved homeland from the domination of the corrupt clique installed by imperialism to rule the people, trifle with their fate and serve imperialist interests and personal aims.... The affairs of the country must be entrusted to a government emanating from the people and working under its inspiration. This can only be achieved by the formation of a popular republic to uphold complete Iraqi unity, to bind itself with bonds of fraternity with Arab and Muslim countries, to work in accordance with the U.N. principles to honor all pledges and treaties in accordance with the interests of the homeland, and to act in compliance with the Bandung conference resolutions. This national government shall therefore be known from now on by the name of the Iraqi Republic.

"In response to the desire of the people, we have provisionally entrusted the presidency to a Council (of Sovereignty) enjoying the powers of the President of the Republic until such time as the people are asked in a plebiscite to elect a President."

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Proclamation No. 1 decreed that a Republican Regime had been established by a revolutionary action. The Proclamations announcing the formation of a new Government and entrusting supreme civil and military authority to Kassim and Arif were issued as Republican Orders, signed in the name of the Sovereignty Council. The first Order stated that Kassim was appointed Commander-in-Chief of the national armed forces, with Arif as his Assistant. The second Order, entrusting civil authority to a Cabinet headed by Kassim, appointed him as Prime Minister and acting Minister of Defense, and Arif Deputy Prime Minister and acting Minister of Interior.

Iraq withdrew from the Arab Federal State and signed a mutual defense agreement with the United Arab Republic.

On July 26 a provisional constitution was promulgated by the Government to replace the old one, which, as argued by the Iraqi lawyers, was "abolished by revolutionary action." The new provisional constitution was prepared by a Cabinet Committee and was to remain in force during a "transitional period" until a new one could be drawn up by a National Assembly elected by the people.

The preamble of this constitution justified the abolition of the old one by the political corruption of the Old Regime and the violation of the rights of the people. The main provisions and guiding principles embodied in the new provisional constitution follow:

1. Iraq formed an integral part of the Arab nation (Art. 2), but Arabs and Kurds are considered partners in this homeland (Art. 3).

2. Islam is the religion of the state, but religious freedom for non-Muslims was guaranteed under Article 12.

3. Article 9 provided for equality before the law and laid down that "there shall be no discrimination because of race, nationality, language, religion, or beliefs."

4. Article 14 provided the basis for an agrarian reform law by stating that, "agricultural ownership shall be limited and regulated by law" and that, "existing rights would be preserved until such time as legislation is enacted."

5. The Executive and Legislative Powers are entrusted to the Council of Sovereignty and the Cabinet during the transitional period.

6. A permanent constitution shall be submitted to referendum.

On September 12 Brig. Abdul Salam Mohamed Arif was relieved of his duties and arrested for plotting against the state.

1959 On March 8 a revolt headed by Colonel Abdel Wahab Shawaf was crushed and Shawaf was killed.

On March 24 Kassim announced the withdrawal of Iraq from the Baghdad Pact.

On July 14 there were riots in Kirkuk which resulted in the killing of Turkomans by Kurdish soldiers.

1960 On February 9 three political parties were legalized: the National Democrats, the Kurdish Democrats and the Iraqi Communists.

1961 In September military operations were carried out against the Kurds led by Mustafa el-Barzani, who continued to demand autonomy for his people.

1962 On April 23, a Kurdish revolt broke out in full force.

1963 On February 8 a military coup organized by the National Council of the Revolutionary Command, overthrew the Government.

On February 9 Kassim was executed and a new Government was named. Abdul Salam Mohamed Arif became President and Ahmed Hassan El-Bakr, Premier. Two Kurds were included in the Cabinet. This Government was a triumph for the Baath Party, whose Iraqi Aflaq-Bitar Wing was friendly to Nasser.

On March 9 the Government recognized the national rights of the Kurds on the principle of decentralization of government.

On April 17, a new agreement was signed providing for the establishment of a new tripartite federation to be known as the U.A.R., which was opened to other Arab Republics.

On June 9, the Government proclaimed martial law in the northern areas, where the Kurds were revolting. The Government threatened to renew military operations against them, unless they submit to the Central Authority.

On July 22 President Nasser rejected the agreement to unite Egypt, Iraq and Syria.

On November 15 Baghdad Radio broadcast a statement issued by the International Leadership Committee of the Baath Party announcing that it was taking over control of the Iraqi Government. The statement was prepared by Premier Ahmed Hassan El-Bakr and Defense Minister Saleh Ammash and, others.

On November 18 President Abdul Salam Mohamed Arif overthrew the Baathist Government by a military coup, announcing that he was assuming full powers for a year as head of a new National Revolutionary Council and Supreme Army Commander.

On November 20 Arif named himself President, and the Army Chief of Staff, General Taher Yahia, became Premier.

1964 On February 10 Arif declared that the Government endorsed the national rights of the Kurds, within one Iraqi national union and that that guarantee would be included in a new provisional constitution.

On May 3 Arif promulgated a provisional constitution as a step to consolidate his regime and to bring his country into harmony with the U.A.R. During his conversations with President Nasser in January, it was agreed that the constitutional systems of Egypt and Iraq should be reorganized and it was taken for granted that Iraq would follow the constitutional pattern of Egypt with due concessions to local conditions. The provisional constitution was prepared by a committee under the supervision of the Minister of Justice and was discussed by the Cabinet and approved by President Arif on April 29. This

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constitution declared Iraq to be a fully sovereign state whose official religion was Islam. It was characterized as a democratic, socialist state, deriving the rudiments of its democracy and socialism from the Arab heritage and the spirit of Islam. The Iraqi people were part of the Arab nation and their aim was comprehensive Arab unity.

Iraq would undertake to work for the realization of this unity, starting with the unity with the U.A.R. A bill of rights was provided, and the basis of the contemplated Arab unity was defined insofar as it was applicable to Iraq. Iraq was described as a socialist state, but private property was declared to be inviolable and could only be expropriated for purposes of public utility and in consideration of a just compensation in accordance with the law (Article 12).

Inheritance was to be guaranteed in accordance with the Islamic family law. Capital was to be in the service of the national economy and its employment was not to conflict with the people's well being (Article 10). The economic basis of the state aimed at the realization of economic development and social justice which rejects all forms of exploitation (Article 7). To achieve this purpose, the entire national economy of the country would be organized according to comprehensive plan to be drawn up by law, within the framework of which both public and private sectors would cooperate to ensure a continued economic development in order to increase production and raise the standard of living (Article 8). The constitution also dealt with the agricultural problem, confirming the Agrarian Reform Act, but it left matters of detail to ordinary legislation.

The President was given broad powers to decide matters of policy. An elected National Assembly would exercise legislative powers, but during the transitional period, the Cabinet and the President would exercise these powers. The President would perform his functions until a new President was elected. The interim period was fixed not to exceed three years (Articles 100-101).

On May 28 Presidents Nasser and Arif signed an agreement establishing a joint Presidential Council and other joint economic and political bodies attached to this organ, including a joint military command with headquarters in Cairo. It also constituted a mutual defense treaty: any attack or threat to either country will be considered as an attack upon the other.

On July 14 the Government nationalized banks, insurance companies and 30 major industries, but foreign oil corporations were excluded.

On August 13 U.A.R., Iraq, Kuwait, Jordan and Syria signed an agreement to establish an Arab Common Market within 10 years, beginning January 1, 1965.

On September 4 a coup d'état by Baathists in the Army failed and El-Bakr was arrested.

On October 16 the U.A.R.-Iraqi Presidential Council announced an agreement to establish a "Unified Political Command" as the highest authority in both countries to take "all practical steps to achieve constitutional unity within a maximum of 2 years." The Command (composed of the two Presidents and at least six other members from each country) would meet every two months to supervise the foreign policy, armed forces, defense, economic planning, culture and national guidance, education and national security of both countries.

On November 12 an autonomous Kurdish Government was established, with a Revolutionary Command Council of 11 members. A parliament was elected and military forces recalled from leave by General El-Barzani.

On November 14 President Arif asked General Yahia to act to revive constitutional and parliamentary life within a year, to hasten reconstruction in North Iraq and to solve outstanding problems, while preserving national unity.

1965 On May 27 the National Revolutionary Council and the Cabinet, in a joint meeting, adopted the U.A.R.'s emblem and national anthem for Iraq.

On August 15 Arif announced that the National Revolutionary Council had decided to dissolve itself and that its powers would be distributed among the President, the Cabinet and the National Defense Council.

On September 17 a military coup d'état attempted by Premier Brig. Gen. Arif Abdel Razzak was crushed by Major General Abdel Rahman Arif.

On September 21, Foreign Minister Abdel Rahman Bazzaz was appointed the first civilian Premier, since the fall of Monarchy, with a Cabinet which seemed to be 100 percent civilian.

On November 6 Al-Bazzaz declared that the Government would encourage the establishment of new enterprises with a maximum of $1.5 million capital and would guarantee foreign investments against nationalization. It would reconsider certain nationalization measures and would recognize the autonomy of Kurdish nationalism and Kurdish language so that Kurdish culture would be preserved.

1966 On April 13 President Abdul Salam Arif was killed in an unexplained air crash at Basra. The Council of Ministers and the National Defense Council, acting under the interim constitution, elected Major General Abdel Rahman Arif, his brother, to succeed him.

1967 On May 10, Arif tookover premiership from Brig. Gen. Naji Talib, who had replaced Bazzaz on his resignation on August 6, 1966. Arif formed a Cabinet of 24 members, including 2 Kurds.

On June 6, Iraq declared war on Israel.

On June 6, Iraq and Kuwait declared that they were cutting off all oil shipments to the U.S. and Britain.

On August 6 the Government confiscated 99.5 percent of the Iraq Petroleum Company's concession areas.

1968 On July 17 a bloodless military coup d'état, led by Major General Ahmed Hassan El-Bakr, expelled President Arif, Premier Yahia and Army Chief of Staff Ansari. A Revolutionary Command Council assumed control of the Government and elected Bakr as President.

On July 18 a new 27-man coalition Government was formed, with Colonel Abdul Razzak Naef as Premier.

On July 25 the Government abolished the press censorship which had been in effect since the July 14, 1958 Revolution.

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On July 30, President El-Bakr dissolved the Cabinet. He ousted the Premier, Defense Minister and the Commander in Chief from the Revolutionary Command Council and assumed the post of Commander in Chief.

On July 31 the Revolutionary Command Council appointed President El-Bakr as Premier.

On August 1 El-Bakr formed a new 26-man Cabinet composed of moderates of the Arab Socialist Baath Party.

On September 21 the Revolutionary Command Council promulgated a provisional constitution, according to which the Revolutionary Command Council was the highest authority in the country. It was to promulgate laws until a National Assembly was elected by the people. The Revolutionary Command Council members were named deputy ministers of the Republic.

On December 14 the Government decided to continue the land reforms undertaken by the former regimes.

1969 On April 8 a new 5-year (1970-74) Economic and Social Development Plan was announced. The total expenditures were estimated at ID 973 million, of which ID 490 million would come from petroleum revenues. The projected goal was to realize an annual growth rate of 3.5 percent in per capita income or 7.1 percent annual growth rate in G.N.P.

On November 10 the Revolutionary Command Council announced that, "offices of the Premier, the Chief of Staff and President of the Council, will be combined with that of the President." The Council was enlarged to include the entire Iraqi Baath Party leadership; thus, placing civilians in the majority. The Deputy Chairman for Iraq of the International Baath Party, Sidam Hussein El-Takriti, was appointed Deputy Chairman of the Council.

1970 On March 11 President El-Bakr announced the conclusion of a 15-point peace agreement with the Kurds: Kurdish autonomy within the Arab State, a Kurdish Vice-President, proportional representation in the Revolutionary Command Council Cabinet, civil service and armed forces; Kurdish to be an official language with Arabic in autonomous areas; Kurdish culture was guaranteed; also, complete amnesty.

On July 16 the Revolutionary Command Council promulgated the new Interim Constitution (Decision No. 792).

The following are the main features and basic principles of the Interim Constitution:

-Iraq is a Sovereign People's Democratic Republic. Its basic objective is the realization of one Arab State and the build-up of the Socialist System (Art. 1).

-Islam is the religion of the State (Art. 4).

-Iraq is a part of the Arab Nation. The Iraqi People are composed of two principal nationalities: the Arab and the Kurdish (Art. 5).

-Arabic is the official language. The Kurdish language is the official, besides Arabic, in the Kurdish Region (Art. 7).

-The State assumes the responsibility for planning, directing and steering the national economy (Art. 12).

-Ownership is a social function (Art. 16).

-The maximum limit of agricultural property is prescribed by the law (Art. 16).

-The Revolutionary Command Council is the supreme institution in the State (Art. 37).

-The National Council is composed of the People's representatives. Its formation, membership, work procedures and its jurisdiction are determined by the National Council Law (Art. 46).

-The rules of this Constitution are enforced until the Permanent Constitution is promulgated. This Constitution cannot be modified except by the Revolutionary Command Council (Art. 63).

On October 24 a Presidential Decree officially put an end to the "State of Emergency," which had been in force since 1958.

1971 In January a law was enacted for the establishment of a 110-man legislature, to be chosen by the 15-member Revolutionary Command Council.

On November 15 President Ahmed Hassan El-Bakr proclaimed the National Action Charter. This Charter is a guide for national action, by defining the objectives and methods and by providing the principles to be applied in the political, economic and social fields.

I. Preface

In the preface it is noted that since July 17 and 30, 1968, the Arab Baath Socialist Party has led the revolutionary change in Iraq.

II. The Political System

The political system is declared to be the legal expression of the interests and aspirations of the social classes and groups it represents. The nature of the system and its constitutional institutions are defined as follows:

1. The political systmem is a democratic, popular and unitary system.

2. The political system guarantees all democratic freedoms.

3. Both the legislative and executive authorities shall be exercised throughout the current transitional period by the public institutions provided for in the Interim Constitution. The National Assembly shall be formed in accordance with the provisions of the law and in the light of the principles set forth in the charter.

4. Putting into application local administration formulas and popular councils in all administrative units of the Republic of Iraq.

5. The end of the current transitional period shall be fixed after the enactment of the permanent constitution and its endorsement by a popular general plebiscite. Hence, this Charter regards the preparation of the permanent constitution bill as a priority assignment of the forthcoming stage.

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III. National Economy

The coming stage requires the accomplishment of basic tasks in the economy, including:

1. Steady progress, according to a carefully developed scientific plan, to free the national economy with all its sectors from the fetters of foreign dependency.

2. The building-up of a full-fledged and diversified national economy.

3. The creation of an efficient, specialised, and active economic apparatus.

4. To work for the achievement of economic unity and to support the Arab Common Market.

5. To place national and nationalist interest as the foundations of any form of economic cooperation and dealing with foreign countries.

6. The public sector is the foundation stone of the national economy, to realize the duties of the existing stage and the duties of transition to socialism. The private sector is still capable of playing positive roles. The mixed sector, which is organized by the State, also plays its positive role in the building of the national economy.

7. The requirements of economic development call for the participation of the Arabic capital in all the projects in which it may take part as specified by the State.

IV. Social Objectives

The tasks confronting the revolution in this direction can be summarized as follows:

1. Work is to be considered a right and duty.

2. Social security is to be made available to all countrymen.

3. To secure health care, medicine, to protect countrymen from diseases, and to consider man's life as a fundamental value that must be protected by all means.

4. To propagate all branches of education among all countrymen.

5. To provide suitable hygienic accommodation for all citizens, fixing rental charges, encouraging the social cooperative organizations, building large residential units.

6. Women have suffered all types of slavery. Therefore, to transfer women to new positions is a basic target of the social transition operation.

V. Culture, Arts and Information

The current stage provides the following frameworks and tasks:

1. The revolution information, culture and arts are those which stem from the national democratic socialist outlook.

2. The conscious decisive struggle against thoughts, theories, trends and styles which promote for sectarianism, chauvinism, racialism, regionalism and the spirit of defeat and liberalism.

3. Preserving the Arab heritage, aslo taking great care of the humanitarian heritage of the civilization of Mesopotamia and the Kurdish National heritage.

4. Providing possibilities to build high institutions of arts, culture and information.

5. Struggling against passive attitudes towards cultural, artistic and informational work.

6. Universities nowadays play an important and vital role in the life of communities.

VI. The Arab Policy

As means of expression of this policy and to realize its objectives, the charter envisions the following:

1. To launch an all-out, resolute struggle using all methods against imperialism.

2. To firmly challenge any foreign attempt aiming at wresting any part of the Arab homeland or imposing their domination on it or splitting it.

3. To struggle by all means to achieve the all-out Arab unity on a liberal, democratic, and popular basis.

4. The question of the liberation of Palestine from Zionist occupation is a central cause in the Arab struggle.

5. To achieve these major national duties the Arab masses are required to gather within active forms of struggle.

1972 On June 1 President Bakr announced the nationalization of IPC oil concessions and installations by Law No. 69. Shortly after that the Iraqi Government concluded agreements for the sale of oil to several countries (the USSR, France, Italy and Brazil).

On July 4 the Iraqi Government announced that it was prepared to negotiate compensation for nationalized IPC assets.

1973 On January 7 the Syrian Parliament adopted legislation imposing a fixed rate on Iraqi oil passing through Syria.

On January 8 the Iraq Revolutionary Command Council formed a special committee to study the construction of an alternative pipeline carrying oil from Kirkuk to the Persian Gulf.

On February 28 a settlement was concluded between the Iraqi Government and IPC to resolve all disputes.

On March 1 the agreement was formally ratified.

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CONSTITUTION

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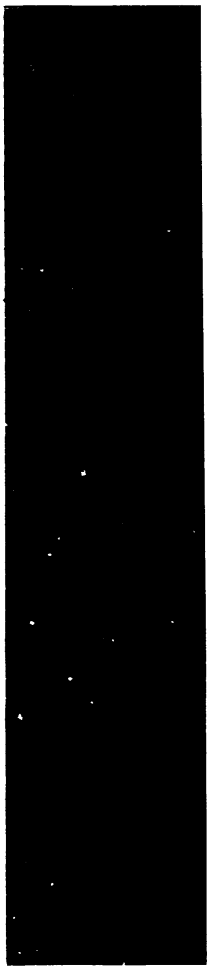

THE IRAQI INTERIM CONSTITUTION
Promulgated by the Revolutionary Command Council on July 16, 1970

Translated from the Official Arabic Text
by
Fouad Famy Shafik

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Decision No. 792

The Revolutionary Command Council, in its session dated July 16, 1970, decided the following:

"Promulgating the new Interim Constitution and publishing it in the Official Paper".

Ahmed Hassan Al-Bakr
President of the Revolutionary Command Council

THE INTERIM CONSTITUTION

CHAPTER I

THE REPUBLIC OF IRAQ

Art. 1 - Iraq is a Sovereign People's Democratic Republic. Its basic objective is the realization of one Arab State and the build-up of the socialist system.

Art. 2 - The people are the source of authority and its legitimacy.

Art. 3 - (a) The sovereignty of Iraq is an indivisible entity.
(b) The territory of Iraq is an indivisible entity, of which no part can be ceded.

Art. 4 - Islam is the religion of the State.

Art. 5 - (a) Iraq is a part of the Arab Nation.
(b) The Iraqi People are composed of two principal nationalisms: the Arab Nationalism and the Kurdish Nationalism.
This Constitution acknowledges the national rights of the Kurdish People and the legitimate rights of all minorities within the Iraqi unity.

Art. 6 - The Iraqi nationality is regulated by the law.

Art. 7 - (a) Arabic is the official language.
(b) The Kurdish language is official, besides Arabic, in the Kurdish Region.

Art. 8 - (a) Baghdad is the Capital of the Iraqi Republic, and it can be transferred by law.
(b) The Iraqi Republic is divided into administrative units and is organized on the basis of decentralization.

Art. 9 - The Flag of the Iraqi Republic, its Emblem, and stipulations concerning the two, are regulated by law.

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CHAPTER II

SOCIAL AND ECONOMIC FOUNDATIONS OF THE IRAQI REPUBLIC

Art. 10 - The social solidarity is the first foundation for the Society. Its essence is that every citizen accomplishes his duty in full, and that the Society guarantees the citizen's rights and liberties in full.

Art. 11 - The family is the nucleus of the Society. The State secures its protection and support, and ensures maternal and child care.

Art. 12 - The State assumes the responsibility for planning, directing and steering the national economy for the purpose of:

(a) Establishing the socialist system on scientific and revolutionary foundations.

(b) Realizing the economic Arab unity.

Art. 13 - National resources and basic means of production are owned by the People. They are directly invested by the Central Authority in the Iraqi Republic, according to exigencies of the general planning of the national economy.

Art. 14 - The State secures, encourages and supports all types of cooperation in production, distribution and consumption.

Art. 15 - Public ownership and properties of the Public Sector are inviolable. The State and all People are responsible for safeguarding, securing and protecting it. Any sabotage to it or aggression against it, is considered as sabotage and aggression against the entity of the Society.

Art. 16 - (a) Ownership is a social function, to be exercised within the objectives of the Society and the plans of the State, according to stipulations of the law.

(b) Private ownership and economic individual liberty are guaranteed according to the law, and on the basis of not exercising them in a manner incompatible with the economic and general planning.

(c) Private property is not expropriated except for considerations of public interest and for just compensation in accordance with the law.

(d) The maximum limit of agricultural property is prescribed by the law; the surplus is owned by the People.

Art. 17 - Inheritance is a guaranteed right, regulated by the law.

Art. 18 - Immobile ownership is prohibited for non-Iraqi, except otherwise mentioned by a law.

CHAPTER III

FUNDAMENTAL RIGHTS AND DUTIES

Art. 19 - (a) Citizens are equal before the law, without discrimination because of sex, blood, language, social origin or religion.

(b) Equal opportunities are guaranteed to all citizens, according to the law.

Art. 20 - (a) An accused is presumed to be innocent, until proved guilty at a legal trial.

(b) The right of defense is sacred, in all stages of proceedings and prosecution.

(c) Courts sessions are public, unless it becomes secret by a court's decision.

Art. 21 - (a) Penalty is personal.

(b) There can be no crime, nor punishment, except in conformity with the law. No penalty shall be imposed, except for acts criminalized by the law, while they are committed. A severer penalty than that prescribed by the law, when the act was committed, cannot be inflicted.

Art. 22 - (a) The dignity of man is safeguarded. It is inadmissible to cause any physical or psychological harm.

(b) It is inadmissible to arrest a person, to stop him, to imprison him or to search him, except in accordance with the rules of the law.

(c) Homes have their sanctity. It is inadmissible to enter or search them, except in accordance with the rules of the law.

Art. 23 - The secrecy of means of communications by mail, telegrams and telephones is guaranteed. It is inadmissible to disclose it, except for considerations of justice and security, in

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accordance with the rules prescribed by the law.

Art. 24 - It is inadmissible to prevent the citizen from the departure from the Country or returning to it, nor to restrict his moves or residence in the Country, except in cases laid down by the law.

Art. 25 - Freedom of religions, faith and the exercise of religious rites, is guaranteed, in accordance with the rules of constitution and laws and in compliance with morals and public order.

Art. 26 - The Constitution guarantees freedom of opinion, publication, meeting, demonstrations and formation of political parties, syndicates and societies in accordance with the objectives of the Constitution and within the limits of the law. The State ensures the considerations necessary to exercise these liberties, which comply with the revolutionary, national and progressive trend.

Art. 27 - (a) The State undertakes the struggle against illiteracy and guarantees the right of education, free of charge, in its primary, secondary and university stages, for all citizens.

(b) The State strives to make the primary education compulsory, to expand vocational and technical education in cities and rural areas and to encourage particularly night education which enables the popular masses to combine science and work.

(c) The State guarantees the freedom of scientific research, encourages and rewards excellence and initiative in all mental, scientific and artistic activities and all aspects of popular excellence.

Art. 28 - Education has the objective of raising and developing the general educational level, promoting scientific thinking, animating the research spirit, responding to exigencies of economic and social evolution and development programs, creating a national, liberal and progressive generation, strong physically and morally, proud of his people, his homeland and heritage, aware of all his national rights, and who struggles against the capitalistic ideology, exploitation, reaction, zionism, and imperialism for the purpose of realizing the Arab unity, liberty and socialism.

Art. 29 - The State undertakes to make available, the means of enjoying the achievements of modernization, by the popular masses and to generalize the progressive accomplishments of contemporary civilization on all citizens.

Art. 30 - (a) Public office is a sacred confidence and a social service; its essence is the honest and conscious obligation to the interests of the masses, their rights and liberties, in accordance with the rules of the constitution and the laws.

(b) Equality in the appointment for public offices is guaranteed by the law.

Art. 31 - (a) The defense of the homeland is a sacred duty and honor for the citizens; conscription is compulsory and regulated by the law.

(b) Armed Forces belong to the People and are entrusted with ensuring his security, defending his independence, protecting the safety and the integrity of the people and territory, and realizing his national and regional objectives and aspirations.

(c) The State alone establishes the Armed Forces. No other organization or group, is entitled to establish military or para-military formations.

Art. 32 - (a) Work is a right, which is ensured to be available for every able citizen.

(b) Work is an honor and a sacred duty for every able citizen, and is indispensable by the necessity to participate in building the society, protecting it and realizing its evolution and prosperity.

(c) The State undertakes to improve the conditions of work, and raise the standard of living, experience and culture for all working citizens.

(d) The State undertakes to provide the largest scale of social securities for all citizens, in cases of sickness, disability, unemployment or aging.

(e) The State undertakes to elaborate the plan to secure the means necessary to enable the working citizens to pass their vacations in an atmosphere, which enables them to improve their health standard and to promote their cultural and artistic talents.

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Art. 33 - The State assumes the responsibility to safeguard the public health by continually expanding free medical services, in protection, treatment and medicine, within the scope of cities and rural areas.

Art. 34 - (a) The Iraqi Republic grants the right of political asylum for all militants, persecuted in their countries because of defending the liberal and human principles which are assumed by the Iraqi People in this Constitution.

(b) The extradition of political refugees is prohibited.

Art. 35 - Payment of taxes is the duty of every citizen. Taxes cannot be imposed, nor modified, nor levied, except by a law.

Art. 36 - It is prohibited to exercise any activity against the objectives of the People, stipulated in this Constitution. Every act or behavior, having for purpose to crumble the national unity of the popular masses or to provoke racial, sectarian or regional discrimination among them, or to be hostile to their gains and progressive achievements.

CHAPTER IV

INSTITUTIONS OF THE IRAQI REPUBLIC

Section I

The Revolutionary Command Council

Art. 37 - The Revolutionary Command Council is the supreme institution in the State, which on July 17, 1968, assumed the responsibility to realize the public will of the people, by removing the authority from the reactionary, individual and corruptive regime, and returning it to the people.

Art. 38 - The Revolutionary Command Council exercises the following competences by a two-third majority of its members:

(a) Electing a President from its members, called President of the Revolutionary Council, who is President of the Republic.

(b) Electing a Vice-President from its members, called Vice-President of the Revolutionary Command

Council, who replaces the President, as qualified in the preceding paragraph, in case of his official absence or in case of the impossibility of exercising his constitutional competences for any legitimate reason.

(c) Selecting new members for the Council, from members of the Regional Leadership of the Socialist Arab Ba'ath Party, not to exceed twelve members.

(d) Taking a decision concerning the resignation of the President, and Vice-President or any of the Council's members.

(e) Relieving any member of the Council's membership.

(f) Accusing and prosecuting members of the Revolutionary Command Council, Vice-Presidents and Ministers.

Art. 39 - The President of the Revolutionary Command Council, the Vice-President and the members take the following oath before the Council:

"I swear by God Almighty, by my honor and by my faith to preserve the Republican system, to commit myself to its Constitution and laws, to look after the independence of the Country, its security and territorial integrity and to do my best earnestly and sincerely to realize the objectives of the Arab Nation for Unity, Freedom and Socialism".

Art. 40 - The President of the Revolutionary Command Council, the Vice-President, and the members enjoy full immunity. No measures can be taken against any of them without a priori permission of the Council.

Art. 41 - (a) The President, the Vice-President or the third of the members can call a meeting of the Revolutionary Command Council. Meetings held are presided by the President or the Vice-President, and are attended by the majority of the members.

(b) Meetings and debates of the Revolutionary Command Council are closed. Disclosing it, invokes constitutional responsibility before the Council. Decisions of the Council are declared, published and communicated by the means specified in this Constitution.

(c) Laws and decisions are ratified in the

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Council by the majority of its members, except otherwise stipulated by the Constitution.

Art. 42 - The Revolutionary Command Council exercises the following competences:

(a) Issuing laws and decrees having the force of the law.

(b) Issuing decisions indispensable for applying the rules of the enacted laws.

Art. 43 - The Revolutionary Command Council exercises the following competences by the majority of its members:

(a) Ratifying matters of the Ministry of Defense and Public Security, elaborating the laws and taking the decisions in whatever concerns them from the point of view of organization and competences.

(b) Declaring the public mobilization totally or partially, declaring the war, accepting the truce and concluding the peace.

(c) Ratifying the draft general budget of the State, independent and investment budgets annexed to it and ratifying final accounts.

(d) Ratifying treaties and international agreements.

(e) Elaborating its internal rules of procedure, determining its competences, ratifying its budget, appointing its officials, determining rewards and remunerations of the President, the Vice-President, its members and officials.

(f) Elaborating the rules regarding the prosecution of its members, concerning the formation of the court and the procedures to be followed in it.

(g) Vesting its President or the Vice-President with some of his competences prescribed in this Constitution, except legislative competences.

Art. 44 - The President of the Revolutionary Command Council undertakes:

(a) Presiding over the meetings of the Council, representing it, controlling its sessions and issuing orders for expenditure.

(b) Signing all laws and decisions issued by the Council and publishing them in the Official Gazette.

(c) Supervising the activities of Ministries and Organizations in the State, calling Ministers to discuss matters concerning their Ministries and questioning them in case of necessity and notifying the Revolutionary Command Council regarding that.

Art. 45 - The President of the Revolutionary Command Council, the Vice-President and its members, each is responsible before the Council, for violating the Constitution or for breaking the constituencies of the constitutional oath, or for any action or behavior, considered by the Council as disgracing the honor of the responsibility which he assumes.

Section II

The National Council

Art. 46 - The National Council is composed of the People's representatives from various political, economic and social sectors. Its formation, membership, work procedures and its jurisdiction are determined by a special law, called the National Council Law.

Art. 47 - The National Council must be held in two ordinary sessions, every year. The President can call it for an extraordinary meeting in case of necessity, and the meeting is restricted to matters which necessitated calling the meeting. Sessions of the National Council are held and dismissed by a decision of the Revolutionary Command Council.

Art. 48 - The meetings of the Council are public, unless it is decided that some are to be held closed according to rules specified in its law.

Art. 49 - (a) Members of the National Council are not censured for opinions or suggestions expressed by them in the performance of their tasks.

(b) No member of the Council can be pursued or arrested for a crime committed during a meeting session without permission of the Council, except in the case of flagrante delicto.

Art. 50 - The National Council undertakes:

(a) Elaborating its internal statute, determining its competences, deciding its budget and appointing its employees. Rewards and remunerations of its President and members are determined by a law.

(b) Elaborating rules for accusing and prosecuting its members, in case of committing one of

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the actions stipulated in article 55 of this Constitution.

Art. 51 - The National Council considers the draft laws proposed by the Revolutionary Command Council within fifteen days from the date of their delivery to the office of the Presidency of the National Council. If the Council approves the draft, it is sent to the President of the Republic, to be promulgated; but if it is rejected or modified by the National Council, it is returned to the Revolutionary Command Council. If this latter approves the modification, it sends the draft to the President of the Republic, to be promulgated.

If the Revolutionary Command Council insists upon its point of view, in the second reading, it is returned to the National Council, to be reviewed in a common meeting between the two Councils; the decision taken by a two-thirds majority, is considered final.

Art. 52 - The National Council, considers, within fifteen days, the draft laws presented to it by the President of the Republic.

If the Council rejects the draft, it is returned to the President of the Republic, with the reasons which justified the rejection.

But, if it approves it, it is sent to the Revolutionary Command Council, which if approves it, becomes issuable. But, if the National Council modifies it, the draft is sent to the Revolutionary Command Council, which if approves it, becomes issuable.

But, if the Revolutionary Command Council opposes to modifying the draft, or if it makes another modification, it is returned another time to the National Council within a week.

If the National Council approves the point of view of the Revolutionary Command Council, it sends the draft to the President of the Republic for promulgating it.

But if the National Council insists, in the second reading, upon its point of view, a common meeting for the two Councils is held, and the draft issued by the two-thirds majority is considered definite and is sent to the President of the Republic, to be promulgated.

Art. 53 - The National Council considers the draft laws presented by a quarter of its members,

in other than military, financial matters and public security affairs.

If the Council approves the draft law, it is sent to the Revolutionary Command Council to be considered within fifteen days from its delivery to the Council's Office.

If the Revolutionary Command Council approves it, the draft is sent to the President of the Republic, to be promulgated.

But, if the Revolutionary Command Council rejects it, the draft is returned to the National Council.

But, if the Revolutionary Command Council modifies it, it is returned to the National Council.

If this latter insists upon its point of view, in the second reading, a common meeting for the two Councils is held, presided over by the President of the Revolutionary Command Council or the Vice-President. The draft issued by a two-thirds majority is considered definite and is sent to the President of the Republic, to be promulgated.

Art. 54 - (a) Vice-Presidents of the Republic, Ministers and those at their rank, have the right to attend the meetings of the National Council and to participate in its debates.

(b) The National Council, with a permission of the President of the Republic, has the right to call Ministers for the purpose of clarification or investigation.

Art. 55 - The President of the National Council and every member of it, is responsible before the Council, for violating the Constitution or for breaking the constituencies of the constitutional oath or for any action or behavior, considered by the National Council as disgracing the honor of the responsibility which he assumes.

Section III

The President of the Republic

Art. 56 - (a) The President of the Republic is the Head of the State and the Supreme Commander of the Armed Forces and he exercises the Executive Authority directly or by the assistance of his Deputies and Ministers, according to the rules of the Constitution.

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(b) The President of the Republic issues the decrees necessary for exercising his competences stipulated in this Constitution.

Art. 57 - The President of the Republic exercises the following competences:

(a) Preserving the independence of the Country, its territorial integrity, safeguarding its internal and external security and protecting the rights and liberties of all citizens.

(b) Declaring the state of total and partial emergency and ending it according to the law.

(c) Appointing the Vice-Presidents of the Republic and relieving them of their posts.

(d) Appointing the governors, the judges and all civil and military State employees, promoting them, terminating their services, placing them on disponibility and granting badges of honor and military grades, according to the law.

(e) Elaborating the draft general State budget, the independent and investment budgets annexed to it and ratifying the final accounts of these budgets and referring them to the National Council to discuss them.

(f) Preparing the general plan of the State in all economic and social affairs, elaborated by competent Ministries and referring it to the National Council.

(g) Contracting and granting loans, supervising the organization and administration of money and credit.

(h) Supervising all the public utilities, official and quasi-official organizations and public sector organizations.

(i) Directing and controlling the work of Ministries and public organizations and coordinating them.

(j) Conducting negotiations and concluding agreements and international treaties.

(k) Accepting the diplomatic and international representatives in Iraq and demanding their withdrawal.

(l) Appointing and accrediting the Iraqi diplomatic representatives in Arab and foreign Capitals and in international conferences and organizations.

(m) Issuing special amnesty and ratifying judgements of capital punishment.

(n) Supervising the good enforcement of the Constitution, the laws, decisions, judicial

judgements and developmental plans in all parts of the Iraqi Republic.

(o) Conferring some of his constitutional competences to one or more of his deputies.

Art. 58 - Vice-Presidents of the Republic and Ministers are responsible for their functions before the President of the Republic. He has the right to bring any of them to trial according to the rules of Constitution, for functional errors committed by him, for exploiting the authority or for misusing it.

Art. 59 - Vice-President of the Republic and Ministers take the following oath before the President of the Republic, before assuming the responsibilities of their functions:

"I swear by God Almighty, by my honor and by my faith to preserve the Republican system, to commit myself to its Constitution and laws, to look after the independence of the Country, its security and territorial integrity and to do my best earnestly and sincerely to realize the objectives of the People".

Section IV

The Judiciary

Art. 60 - (a) The judiciary is independent and is subject to no other authority save that of the law.

(b) The right of litigation is ensured to all citizens.

(c) The law determines the way of courts formation, their levels, jurisdiction and conditions for the appointment, transfer, promotion, litigation and dismissal of judges and magistrates.

Art. 61 - The law determines the posts of public prosecution, its agencies and conditions for the appointment of the attorneys general, their deputies, rules of their transfer, promotion, litigation and dismissal.

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CHAPTER V

GENERAL PROVISIONS

Art. 62 - (a) To be member of the Revolutionary Command Council or Vice-President of the Republic or Minister, a person must be Iraqi by birth, born of two Iraqi parents, by birth also.

(b) It is inadmissible for Members of the Revolutionary Command Council and Vice-Presidents of the Republic and Ministers, during their term of office, to pursue any private professional or commercial work or to buy any State property or to sell or exchange with the State any of their own properties.

Art. 63 - (a) The rules of this Constitution are enforced till the Permanent Constitution is promulgated.

(b) This Constitution cannot be modified except by the Revolutionary Command Council and by a two-thirds majority of its members.

Art. 64 - (a) Laws are published in the Official Gazette and are put into force, effective the date of publication, unless otherwise stipulated.

(b) Laws have no retroactive effect, unless otherwise stipulated.

This exception does not include penal laws, tax laws and fiscal fees.

Art. 65 - This Interim Constitution and all laws and judiciary judgements are promulgated and put into force, in the name of the People.

Art. 66 - All laws and decisions of the Revolutionary Command Council, enacted prior to the promulgation of this Constitution, remain in force and cannot be modified or abolished except in accordance with the procedures prescribed in this Constitution.

Art. 67 - The President of the Revolutionary Command Council undertakes promulgating this Constitution and publishing it in the Official Gazette.

IRAQ
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